IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 6348 of 2004

Between:

Bikkini Visweswara Atchuta Ramaiah S/o Late Veera Venkata Satyanarayana, D. No. 24-11-2, KSR Nagar, Ramachandrapuram, East Godavari District

..... PETITIONER

AND

The Licensing Officer, O/o the Deputy Transport Commissioner and Secretary, Road Transport Authority, Kakinada, East Godavari District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order writ or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent herein in asking the petitioner to pay the life tax to his motor cab vehicle bearing Registration No. A.P., 31/V 5949 as illegal arbitrary contrary to law and violative of the provision of the Motor Vehicle Act and Taxation Act, Consequently direct the respondent herein to accept the quarterly tax to the petitioner's Vehicle bearing No. AP-31/V5949 without insisting life tax.

Counsel for the Petitioner:MR.S.A.RAZAK, Advocate.

Counsel for the Respondent : GP FOR TRANSPORT

The Court made the following :

ORDER : (Per Sri Bilal Nazki, J).

Heard learned Counsel for the parties.

The vehicle of the petitioner was seized. The authority concerned passed an order that the vehicle was being used for personal uses therefore he was liable to pay life tax, whereas the petitioner claimed that the vehicle was used as a Taxi Cab. There is nothing in the impugned order to show as on what ground the authority came to the conclusion that the vehicle was not run as a Taxi but as a private vehicle. Subsequent to this order, although a show cause notice was given to the petitioner on 27.11.2003, but the order impugned was without any reasons. Therefore, we set aside that order, direct the authority concerned to conduct an enquiry and come to a conclusion whether the vehicle is being run as a private vehicle or as a Taxi. Till the authority decides the matter, the petitioner shall continue to pay the tax as per the permit.

Writ Petition is accordingly disposed of. No costs.

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(BILAL NAZKI, J)

9th August, 2004.

(S.ANANDA REDDY, J)

ajr.

To

1 The Licensing Officer, O/o the Deputy Transport Commissioner and Secretary, Road Transport Authority, Kakinada, East Godavari District

2 Two C.Cs. to the G.P. for Transport, High Court buildings,

Hyderabad (O.U.T.)

3 Two C.D. copies.